



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No. 7831-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 5 September 2024. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

A review of your record shows that you enlisted in the Navy and commenced active duty on 19 January 1999. On 4 December 2002, a report of a medical evaluation board (MEB) was issued. The report describes that you had a history of Bipolar Disorder that existed prior to your service (EPTS). You were then reviewed by an Informal Physical Evaluation Board (IPEB), on 5 March 2003, which found you to be unfit due to Bipolar Disorder, EPTS. On 16 April 2003, the President, PEB, informed Chief of Naval Personnel that you should be discharged without entitlement to benefits because you were found Unfit due to an EPTS condition. On 1 June 2003, you were discharged with an Honorable characterization due to having a disability that existed prior to your entry into service as determined by a physical evaluation board.

In your petition, you request to have your reentry code of RE-3P changed. In support of your request, you contend that you never had a disability, and that the reentry code prevents your reenlistment and other employment opportunities.

The Board carefully reviewed all of your contentions and the material that you submitted in support of your petition and disagreed with your rationale for relief. In reaching its decision, the Board observed that it relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. As applied to your request, a review of your service record revealed, as noted above, that you were in fact reviewed by an IPEB and diagnosed with Bipolar Disorder that existed prior to your entry into service. This resulted in your discharge due to a disability that existed prior to service. Thus, the Board determined that the RE-3P reentry code that you received was not in error and you did not provide sufficient evidence to rebut the presumption that this reentry code was appropriate. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

9/25/2024

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Executive Director

Signed by: █